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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,509	11/09/2001	Graham E. Kelly	700136.405C1	5532
500 7590 12/11/2009 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104				
EXAMINER				
PAK, JOHN D				
ART UNIT		PAPER NUMBER		
1616				
MAIL DATE		DELIVERY MODE		
12/11/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09986509	11/9/01	KELLY, GRAHAM E.	700136.405C1

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
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## EXAMINER

John Pak

ART UNIT	PAPER
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1616

20091207A

DATE MAILED:

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## Commissioner for Patents

The amendment filed on 9/21/2009 amended all claims drawn to the elected invention such that they are no longer directed to the elected subject matter of a composition comprising formononetin and biochanin A. Such an amendment is non-responsive (MPEP § 821.03). For example, applicant withdrew claim 66 from examination because it was not directed to the elected subject matter (see applicant's response of 10/8/2003, page 9 of the Remarks), but currently amended version of claim 73 is now virtually identical to the withdrawn claim 66. Applicant's amendment cannot result in a shift in election.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is (571)272-0620. The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Johann Richter, can be reached on (571)272-0646.

The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

